Criminal Misc. Application no. 261 of 2003

Sanjay Dalmia---------- Applicant

Versus

State of Uttaranchal and others ---------- Respondents

Hon'ble M.M.Ghildiyal J.

Heard Smt. Tehmina Punwani learned counsel for the applicant and Sri U.K. Uniyal learned counsel for C.B.I.

The learned counsel for the applicant has submitted that since the occurrence took place at Sahibabad district Ghaziabad (U.P.) and so the Special Magistrate, C.B.I.Dehradun has no jurisdiction to try and commit the case titled as C.B.I. Vs. R.K.Singh and others, R.C. No..1(S)/85-SCB-II under sections 120 B read with sections 193, 211, 218 and 420 of I.P.C. in view of the notification dated 28.12.2001 issued by the State of Uttar Pradesh and the notification dated 16.1.2002 issued by the Allahabad High Court. The proper remedy for the applicant is to approach the Special Magistrate, CBI, Dehradun. The learned counsel for the applicant has submitted that the applicant has already moved a number of applicants. The last application was moved on 26.9.2003. The Special Magistrate, CBI, Dehradun is directed to decide the application of the applicant dated 26.9.2003 moved in the case titled as C.B.I. Vs. R.K.Singh and others, R.C. No.1(S)/85-SCB-II under sections 120 B read with sections 193, 211, 218 and 420 of I.P.C expeditiously as early as possible.

With these observations, the application is disposed of finally.

October 30, 2003

(M.M. Ghildiyal J.)

MPS